

Approved 10/24/12

**REGULAR PUBLIC MEETING OF THE  
TENAFLY PLANNING BOARD  
September 19, 2012**

Chairperson Wilmit called the meeting to order at 8:07 p.m.

The announcement was made regarding compliance with the Sunshine Law.

The secretary was asked to call the roll:

Voting members present:	Mayor Peter Rustin	Councilman Jon Warmes
	Mary Beth Wilmit	Kevin Tremble
	Jeffrey Toonkel	Eugene Marcantonio
	Marc Harrison	Sheryl Gaines (late)

Board members absent:	Gus Allen	Ted Kagy
	John Kim	

Others present:	Jeffrey Zenn, Esq.
	David Hals, P.E.
	Dee Lorberbaum, MLUL Officer

A motion was made by Mr. Marcantonio and seconded by Mr. Toonkel to approve the minutes of the Regular Public Meeting of August 22, 2012. A voice vote carried the motion. All voted in favor; none were opposed.

There was much discussion regarding Ordinance No. 12-13, an Ordinance amending Chapter XXV, Section 35-815 of the Revised General Ordinances of the Borough of Tenafly providing supplemental regulations for age-restricted housing; assisted living and/or congregate care housing and nursing homes. A memo was received from Borough Clerk Lissette Aportela-Hernandez dated 9/12/12 requesting that the Planning board review and submit comments to the Mayor and Council prior to a public hearing on the ordinance scheduled for October 30, 2012. A memo from Board Planner Joe Burgis was distributed to the members indicating that the ordinance was not inconsistent with the Master Plan. There was discussion on the intensity and density of the use.

A motion was made by Mr. Marcantonio and seconded by Mr. Harrison that a memo be sent to the Mayor and Council, along with a copy of the report from Mr. Burgis, recommending Ordinance No. 12-13, as it is not inconsistent with the Master Plan. The roll was called and the motion carried. Voting YES: Mrs. Wilmit, Mr. Toonkel Mr. Harrison, Mr. Marcantonio, Councilman Warmes and Mayor Rustin. ABSTAIN: Mr. Tremble

Mrs. Wilmit noted that the Borough's COAH Attorney Stuart R. Koenig had passed away on September 15, 2012. All board members remembered him for the depth of his knowledge, his willingness to share that knowledge and his articulate advocacy for better local government. A

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memorial service is scheduled for Saturday, September 22, 2012 at Rutgers University. A Mayors Advisory was distributed to all board members with details.

A motion was made by Mr. Tremble and seconded by Mayor Rustin that the board forward a letter of condolence to the family. Board members may also give Mrs. Lorberbaum a donation to forward to The Raptor Trust, which was requested in lieu of flowers.

The application for BMW of Tenaflly, Block 1309, Lot 3, 245 County Road, has been deemed incomplete. A letter has been forwarded to BMW with directives to file revised plans.

It was noted that Steve Weinberg of Community Action Services will be speaking at the Tenaflly Senior Center regarding the Tenaflly Rehabilitation Housing Program. Mr. Weinberg is also Tenaflly's Administrative Agent, handling affordable housing in the municipality.

Mr. Tremble reported for the Historic Preservation Commission that a marker for the historic Cady Stanton House will be acquired in the future. It was noted that four (4) historic sites will need to be added to the Zoning Map. Usually the Zoning Map is amended every four (4) years. Sites to be included are:

- 1) The Anthony House, 177 Hudson Avenue, Block 1401, Lot 2
- 2) The Amend House, 60 Elm Street, Block 206, Lot 4
- 3) The Jellison House, 330 Engle Street, Block 1503, Lot 47
- 4) The Lyman Browning Estate Cottage, 170 Thatcher Road, Block 2301, Lot 1

Mayor Rustin gave a brief update on the United Way project at 311 Tenaflly Road. There have been numerous communications with the DEP. More mediation of other areas along the board from West Clinton Avenue to Riveredge Road is being requested. The buffer is to be enhanced by planting trees and shrubs. This mediation will be paid for through the Affordable Housing Trust Fund.

Mayor Rustin reviewed a memo received from MLUL Officer Dee Lorberbaum regarding recommendations that the Planning Board had made to the Mayor and Council to amend Chapter XXV of the LDR which have not been acted upon. Mayor Rustin would like to see several of the items on the agenda for the upcoming October 10, 2012, Joint Meeting of the Planning Board and Board of Adjustment. Those items include:

- 1) Recommendation to amend Chapter XXXV of the LDR to Establish an R-7.5A (One and Two-Family Residential Zone). This item will also be on the Mayor & Council Joint Meeting with the Planning Board of October 23, 2012.
- 2) Recommendations for changes in the LDR for Building Height, Combined Side Yard, Maximum Impervious Coverage and Below Grade Garages were sent to the Mayor and Council. Ordinance No. 11-08 was adopted on July 12, 2011, which included

- Maximum Coverage and Below Grade Garages. They did not adopt the recommendation for Building Height and Combined Side Yard. This item will also be on the Mayor & Council Joint Meeting with the Planning Board of October 23, 2012.
- 3) Recommendation to amend Schedule A-Permitted Uses, Definitions and Schedule C-Parking. This will be forwarded to the Mayor & Council in the very near future.
  - 4) Recommendation to amend the LDR to charge applicants who request to convert Work Sessions to Public Meetings a fee of \$500.00. This recommendation was addressed at the April 24, 2012 Mayor & Council meeting; however, the Borough Attorney has yet to prepare an ordinance for adoption.

Another matter included in the memo was in regard to amending the Zoning Map pursuant to the above mentioned historic sites. Also, in March 2008, the Planning Board forwarded recommendations to include a Conservation Overlay Zone Ordinance in Chapter XXV of the LDR. This recommendation was tabled because the Mayor & Council wished to wait until after Substantive Certification of the Third Round was received from COAH. No further action has been taken.

Mayor Rustin would also like to see an item on the agenda for the Joint Planning Board and Board of Adjustment about improving the process to make Tenaflly more “business friendly”. There was extensive discussion regarding the process of the filing of a Site Plan Waiver Application in the Office of the Planning Board.

Mrs. Gaines explained the Final Draft of a proposed ordinance amending Chapter XXV (Land Development Regulations) of the revised General Ordinance of the Borough of Tenaflly, Schedule A-Schedule of Permitted Uses, Definitions and Schedule C – Off Street Parking Space Schedule. She reiterated that the intent of the Planning Board was to update Schedule A Permitted Uses because the schedule is long overdue for an update, not having been revised since the 1980’s. The number of permitted uses is being expanded and the committee would like to speed up the process to obtain approvals. She reviewed all the changes/deletions and proposed amendments in the document. Most notably, she explained that offices will be permitted on the first floor of buildings in the downtown and apartments will be permitted on the second floor.

Board members discussed cell towers as a Conditional Use in the Proposed P Zone. There were questions as to whether this is addressed fully in Section 35-805. There were many questions on Schedule C, Off Street Parking Space Requirements. A definition is needed for Gross Floor Area. Also, many of the Notes to Schedule C needed to be revised.

There was much discussion regarding Site Plan Waivers and the Applicability portion of the proposed ordinance. Mayor Rustin suggested that a pamphlet be prepared explaining the process of submitting a site plan waiver application and procedures for approval. Mrs. Lorberbaum

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again explained the procedures for Site Plan Waiver, which is applied when an applicant wishes to change a permitted use in a zone to another permitted use. Board members agreed that this procedure is a mechanism for the Planning Board to address issues of parking and other site related matters. A motion was made by Mr. Marcantonio and seconded by Mr. Tremble to delete the Applicability section amendment from the proposal to be sent to the Mayor & Council.

Given that there were many revisions to the proposed document, this matter will be carried to the October 10, 2012 Work Session.

There will be a joint meeting of the Mayor & Council and Planning Board on Tuesday, October 23, 2012, to discuss several pending matters. Mayor Rustin would like to have a firm agenda for the evening.

A motion was made by Mr. Marcantonio and seconded by Councilman Warms to adjourn the meeting at 9:38 p.m. A voice vote carried the motion. All voted in favor; none were opposed.

Respectfully submitted,

Valerie B. Nicolosi  
Planning Board Secretary